REMARKS

Claims 25-43 are pending in this application.

The Examiner has rejected claims 25-43 under 35 U.S.C. § 102(e) over Balasubramaniam. Applicant respectfully traverses this rejection.

Applicant would like to thank the Examiner for the courtesy extended during the telephonic interview on June 5, 2007. During the interview, the Examiner and applicant's representative discussed the invention and the Balasubramaniam reference.

Applicant's techniques are directed to optimizing network-based applications. A network-based application (e.g., software component) may be customized for a particular execution environment of a client to optimize the user's experience. Applicant's techniques determine whether a software component can successfully execute in the execution environment of the client. If so, a client determines a plurality of parameters for the execution environment of the software component. The client provides the plurality of parameters to the server. The server downloads to the client a software component that is configured by the server according to the parameters of the client's execution environment. If the software component cannot successfully execute on the client, an error message is presented to the client.

Balasubramaniam describes browsing web sites using different types of browsers. A web server may serve web pages that can only be displayed on a client computer running Internet Explorer and cannot be displayed on a client computer running Netscape Navigator. If the web pages are served to a client computer running Netscape Navigator, which would not otherwise be able to display the web page, a plug-in that emulates Internet Explorer must be installed on the client computer. Balasubramaniam discloses when a request for a web page is received at a web server, first determining whether the client is using Internet Explorer. If so, the web page is served to the client. If not, the web server determines whether the plug-in is already installed on the client computer and, if not, installs the plug-in on the computer. Unlike applicant's techniques, Balasubramaniam does not describe determining a plurality of

parameters for the execution environment of an application, nor does it describe an application that is configured according to the parameters of the execution environment.

Claims 25-35 recite "receiving from a user a request to launch the software component," "sending to a server a request to launch the software component," and "downloading of the software component." Claims 36-43 recite "receiving from the client a request to launch the software component" and "downloading of the software component." It is apparently the Examiner's initial position that Balasubramaniam's web page corresponds to applicant's software component. The portion of Balasubramaniam cited by the Examiner as corresponding to applicant's "request to launch the software component" describes a user visiting a web page with a browser (Office Action, Mar. 22, 2007, p. 3; Balasubramaniam, 5:60-61; 6:1-2.) However, the Examiner also takes the inconsistent position that Balasubramaniam's <u>plug-in</u> corresponds to applicant's software component. (Office Action, Mar. 22, 2007, p.3.) The portion of Balasubramaniam cited by the Examiner as corresponding to applicant's "downloading of the software component" describes the user downloading a plug-in required to view the web site. (Balasubramaniam, 6:47-51.) Balasubramaniam's web page and plug-in cannot both simultaneously correspond to applicant's single "software component."

Assuming that the Examiner intends Balasubramaniam's web page to correspond to applicant's software component, Balasubramaniam fails to teach or suggest all of the recited features of applicant's techniques.

Claims 25-35 recite "receiving from the server a launch page that includes code to determine whether the software component can successfully execute in the execution environment of the client." Claims 36-43 recite "sending to the client a launch page that includes code to determine whether the software component can successfully execute in the execution environment of the client." In contrast, Balasubramaniam does not teach or suggest that a server sends a client "a launch page that includes code to determine whether the software component can successfully execute in the execution environment of the client." Balasubramaniam describes web pages that can only be

displayed by Internet Explorer, but cannot be displayed by other browsers, such as Netscape Navigator. While Balasubramaniam's server detects the type of browser a user is using to visit a web page, applicant can find nothing in Balasubramaniam that teaches or suggests that Balasubramaniam's server sends to the client "a launch page that includes code to determine" whether the web page "can successfully execute in the execution environment of the client."

Claims 25-35 recite "determining parameters of the execution environment of the client" and "sending to the server a request to download the software component, the request indicating the determined parameters." Claims 36-43 recite "determine parameters of the execution environment of the client" and "receiving from the client a request to download the software component, the request indicating parameters determined by the code." Some of the parameters of the execution environment of the client that are determined by applicant's technology include hardware configuration of the client, operating system of the client, web browser environment, network path between client and server, and user's characteristics. (Specification, p. 16, ¶ 45.) In contrast, Balasubramaniam does not teach or suggest determining "parameters of the execution environment of the client," nor does it teach or suggest a client sending a request to the server "to download the software component, the request indicating the determined parameters" (or "parameters determined by the code"). The portion of Balasubramaniam (6:47-51) cited by the Examiner describes that the user may manually download the plug-in after filling out a web form, or that the plug-in may be automatically downloaded. Again, this citation is inconsistent with the Examiner's initial position that it is Balasubramaniam's web page that corresponds to applicant's software component. Even if this portion of Balasubramaniam described being served a web page (rather than downloading a plug-in) after filling out a form, a user filling out Balasubramaniam's form is not equivalent to determining "parameters of the execution environment of the client." By definition, a "parameter" is "a quantity which is fixed for the case in question but may vary in other cases." (Oxford English Dictionary, definition of "parameter.") Balasubramaniam offers no description of what information a user must enter into the form. Without knowing what information is obtained from the form,

one skilled in the art could not reasonably interpret that filling out a form corresponds to determining parameters of the client's execution environment. Balasubramaniam offers no indication that its form, or any other aspect of its techniques, is used to determine one or more variable features (i.e., parameters) of the client. Further, Balasubramaniam offers no indication that after the form is filled out, it is sent from the client to the server. It is a familiar practice in the art for a form to be stored on a client computer, rather than being sent from the client to a server. Thus, Balasubramaniam does not teach or suggest a client sending a request to the server "to download the software component, the request indicating the determined parameters" (or "parameters determined by the code").

Claims 25-35 recite "receiving from the server the software component configured according to the determined parameters." Claims 36-43 recite "configuring the software component according to the determined parameters." As indicated above, the parameters refer to the "parameters of the execution environment of the client." Applicant's techniques emphasize that a network-based application may be customized, adapted, and/or tailored at a user's machine and at servers used during the application's execution to optimize the user's experience. (Specification, p. 2, ¶ 6.) Balasubramaniam does not teach or suggest the server sending the client "the software component configured according to the determined parameters." It is the Examiner's position that because a form filled out by a user "all[ows?] downloading of the component," "the component is configured according to them." (Office Action, Mar. 22, 2007, p. 8.) However, one skilled in the art would not reasonably interpret that being permitted to download a web page in exchange for filling out a form means that the web page is "configured according to" the form. Balasubramaniam's web page is not "arrange[d] in a particular configuration" or "arrange[d] or order[ed] so as to fit it for a designated task" based on the form. (Oxford English Dictionary, definition of "configure.") Balasubramaniam sends the same web page to each user; a web page is not "arrange[d] in a particular configuration" based on anything entered into the form by the user. Moreover, Balasubramaniam emphasizes providing "<u>standard applications or services</u> to a user of a client computer," without analyzing the execution environment of

the client or adjusting the application or service in regard to the execution environment. (Balasubramaniam, 4:8-14.) Balasubramaniam fails to teach or suggest the server sending the client "the software component configured according to the determined parameters."

Claims 25-35 recite "when it is determined that the software component cannot successfully execute in the execution environment of the client, reporting an error to the user." The portion of Balasubramaniam (6:47-51) cited by the Examiner does not describe an error message, nor can applicant find anything in Balasubramaniam that discloses an error message. Thus, Balasubramaniam does not teach or suggest "when it is determined that the software component cannot successfully execute in the execution environment of the client, reporting an error to the user."

Assuming, in the alternative, that the Examiner intends Balasubramaniam's plug-in to correspond to applicant's software component, Balasubramaniam fails to teach or suggest all of the recited features of applicant's techniques.

Claims 25-35 recite "receiving from the user a request to launch the software component" and "sending to a server request to launch the software component." Claims 36-43 recite "receiving from the client a request to launch the software component." In contrast, Balasubramaniam does not teach or suggest "receiving from the user a request to launch the software component" or that the client sends the server "a request to launch the software component." While Balasubramaniam describes that a user may request a web page, it does not teach or suggest that either the user or the client requests the <u>plug-in</u>. In contrast, when a user requests a web page via a browser other than Internet Explorer, Balasubramaniam's <u>server</u> determines that the user is required to install a plug-in before viewing the web page. Neither Balasubramaniam's user nor its client makes "a request to launch" the plug-in. Thus, Balasubramaniam does not teach or suggest "receiving from the user a request to launch the software component" or that the client sends the server "a request to launch the software component."

Claims 25-35 recite "receiving from the server a launch page that includes code to determine whether the software component can successfully execute in the execution environment of the client." Claims 36-43 recite "sending to the client a launch page that includes code to determine whether the software component can successfully execute in the execution environment of the client." In contrast, Balasubramaniam does not teach or suggest that a server sends a client "a launch page that includes code to determine whether the software component can successfully execute in the execution environment of the client." As described above, Balasubramaniam does not teach or suggest that its server sends to its client a launch page for this purpose. Further, Balasubramaniam makes no determination as to whether its plug-in can successfully execute in the execution environment of the client. While Balasubramaniam describes that the server determines whether a <u>web page</u> can successfully be displayed in a user's browser, it makes no teaching or suggestion that a determination is made as to whether its <u>plug-in</u> (which is required to view the web page) can successfully execute on the client computer. Thus, Balasubramaniam does not teach or suggest that a server sends a client "a launch page that includes code to determine whether the software component can successfully execute in the execution environment of the client."

Claims 25-35 recite "determining parameters of the execution environment of the client" and "sending to the server a request to download the software component, the request indicating the determined parameters." Claims 36-43 recite "determine parameters of the execution environment of the client" and "receiving from the client a request to download the software component, the request indicating parameters determined by the code." In contrast, Balasubramaniam does not teach or suggest determining "parameters of the execution environment of the client," nor does it teach or suggest a client sending a request to the server "to download the software component, the request indicating the determined parameters" (or "parameters determined by the code"). The portion of Balasubramaniam (6:47-51) cited by the Examiner describes that the user may manually download the plug-in after filling out a web form, or that the plug-in may be automatically downloaded. As described above, a user filling out Balasubramaniam's form is not equivalent to determining "parameters of the execution

environment of the client." Balasubramaniam offers no description of what information a user must enter into the form. Without knowing what information is obtained from the form, one skilled in the art could not reasonably interpret that filling out a form corresponds to determining parameters of the client's execution environment. Balasubramaniam offers no indication that its form, or any other aspect of its techniques, is used to determine one or more variable features (i.e., parameters) of the client. Further, Balasubramaniam offers no indication that after the form is filled out, it is sent from the client to the server. It is a familiar practice in the art for a form to be stored on a client computer, rather than being sent from the client to a server. Thus, Balasubramaniam does not teach or suggest a client sending a request to the server "to download the software component, the request indicating the determined parameters" (or "parameters determined by the code").

Claims 25-35 recite "receiving from the server the software component configured according to the determined parameters." Claims 36-43 recite "configuring the software component according to the determined parameters." As indicated above, the parameters refer to the "parameters of the execution environment of the client." Balasubramaniam does not teach or suggest the server sending the client "the software component configured according to the determined parameters." As indicated above, it is the Examiner's position that because a form filled out by a user "all[ows?] downloading of the component," "the component is configured according to them." (Office Action, Mar. 22, 2007, p. 8.) However, one skilled in the art would not reasonably interpret that being permitted to download a plug-in in exchange for filling out a form means that the plug-in is "configured according to" the form. Balasubramaniam's plug-in is not "arrange[d] in a particular configuration" or "arrange[d] or order[ed] so as to fit it for a designated task" based on the form, any more than its web page is so arranged. (Oxford English Dictionary, definition of "configure.") Balasubramaniam sends the same plug-in to each user; a plug-in is not "arrange[d] in a particular configuration" based on anything entered into the form by the user. Balasubramaniam fails to teach or suggest the server sending the client "the software component configured according to the determined parameters."

Claims 25-35 recite "when it is determined that the software component cannot successfully execute in the execution environment of the client, reporting an error to the user." As described above, the portion of Balasubramaniam (6:47-51) cited by the Examiner does not describe an error message, nor can applicant find anything in Balasubramaniam that discloses an error message. Thus, Balasubramaniam does not teach or suggest "when it is determined that the software component cannot successfully execute in the execution environment of the client, reporting an error to the user."

Furthermore, applicant does not consider it reasonable for the Examiner to cite to the same limited portion of Balasubramaniam (6:47-51) as corresponding to seven of applicant's recited features. The cited portion describes that a client may manually download a plug-in after filling out a form, or that a plug-in may be automatically downloaded to the client. The cited portion fails to teach or suggest many of the features for which it is cited. Moreover, it is unreasonable to believe that the cited portion could simultaneously correspond to several of applicant's distinct recited features.

Based upon the above remarks, applicant respectfully requests reconsideration of this application and its early allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-8548.

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Respectfully submitted,

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